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Paper No. 16

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SEP 29 1998

In re Application of
Ali Bindernagel, et al.
Application No. 08/615,025
Filed: March 13, 1996

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**SPECIAL PROGRAMS OFFICE
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ON PETITION**

This is a decision on the petition under 37 CFR 1.137(b), filed June 19, 1998, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to reply timely to the Office action mailed May 13, 1997, which set a period for reply of three months. A Notice of Abandonment was mailed on January 28, 1998.

Since this application is being revived for purposes of continuity only and since continuity has been established by this decision reviving the application, the application is again abandoned in favor of the continuing application.

This petition was filed under the revival rules in effect as of December 1, 1997. *Note Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131 (October 10, 1997), 1203 Off. Gaz. Patent Office 63 (October 21, 1997).* Therefore, the statement of unintentional delay does not comply with the provisions of 37 CFR 1.137(b)(3) in effect as of December 1, 1997. However, the statement presented will be accepted and construed as meaning that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant 37 CFR 1.137(b) was unintentional." If this is an incorrect interpretation in view of the new rules, petitioner is required to provide a statement to that effect.

The application file is being forwarded to Technology Center Art Unit 3723 .

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 305-8859.

A handwritten signature in black ink that reads "Karen Creasy". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Assistant Commissioner
for Patent Policy and Projects